

Message Text

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SUBJ: FREEDOM OF MOVEMENT: RECENT CANADIAN EXPERIENCES ON THE
DIVIDED FAMILIES ISSUE WITH THE POLISH GOVERNMENT

1. ON AUGUST 2, THE EMBASSY'S COUNSELOR FOR CONSULAR AFFAIRS
DISCUSSED THE FREEDOM OF MOVEMENT/DIVIDED FAMILIES ISSUE
WITH CANADIAN FIRST SECRETARY/CONSUL GEORGE SUTHERLAND,
(SECONDED FROM THE MINISTRY OF EMPLOYMENT AND IMMIGRATION),
AND HIS DEPUTY, WAYNE LORD. DURING THE DISCUSSION,
SUTHERLAND AND LORD DESCRIBED RECENT CANADIAN EXPERIENCES
WITH THE POLES ON THIS ISSUE.

2. THIS YEAR, THE CANADIANS WILL HAVE REPRESENTED ABOUT
64 DIVIDED FAMILIES CASES, INVOLVING BETWEEN 120 AND 140
PEOPLE, OF THE POLISH FOREIGN MINISTRY. THEIR PRINCIPAL
POINT OF CONTACT IS LUCJAN LIK, VICE DIRECTOR, CONSULAR
DEPARTMENT, THE SAME MAN WITH WHOM WE DEAL ON THE WORKING
TUVEL. SUTHERLAND SAID THE CANADIANS HAVE HAD
ABOUT 50 PERCENT SUCCESS IN SOLVING DIVIDED FAMILY CASES WHICH
THEY REPRESENT TO THE GOP.

3. THE CANADIANS ONLY REPRESENT NUCLEAR FAMILY CASES
IN WHICH THE POLISH PRINCIPALS REGULARLY, I.E., EVERY 3
OR 4 MONTHS, TELL THE EMBASSY HERE IN WARSAW THAT A)
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THE AUTHORITIES HAVE STILL REFUSED TO ISSUE THEM PASSPORTS
AND B) THEY REAFFIRM THEIR CONTINUED DESIRE FOR REUNIFICATION
IN CANADA. SUTHERLAND SAID THAT NON-NUCLEAR CASES ARE NOT
REPRESENTED BECAUSE NEITHER CANADIAN POLICY NOR THE NEW
CANADIAN IMMIGRATION LEGISLATION EXTENDS SPECIAL PRE-
FERENCES TO ANYONE WHO DOES NOT HAVE A VERY CLOSE FAMILY
RELATIONSHIP WITH A CANADIAN SUBJECT.

4. THE CANADIAN DIPLOMATS BELIEVE THAT THIS LIMITED DEFINITION OF DIVIDED FAMILIES AS WELL AS THE CONSTANT OF RECONFIRMATION OF INTEREST BY THE POLISH PRINCIPALS GIVES THEM A STRONG POSITION WHEN DEALING WITH THE POLES. THE ONLY ARGUMENT THAT THE POLES HAVE INVOKED HAS BEEN IN THOSE FEW CASES WHERE THE CANADIAN PRINCIPALS ARE OUTNUMBERED BY THE FAMILY MEMBERS IN POLAND. THE POLES THEN CLAIM THAT REUNIFICATION SHOULD OCCUR IN POLAND RATHER THAN CANADA. THE INEVITABLE - AND UNANSWERABLE - RESPONSE OF THE CANADIANS IS THAT, ACCORDING TO THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, EVERY PERSON HAS "THE RIGHT TO LEAVE HIS COUNTRY AND TO RETURN TO HIS OWN COUNTRY". SUTHERLAND SAID THE POLES USUALLY LAPSE INTO SILENCE WHEN THAT ARGUMENT IS MADE BY HIS EMBASSY.

5. THE CANADIANS FINALLY SAID THAT THE POLES SEEM NOW TO BE TOUGHER IN GENERAL ON FAMILY REUNIFICATION THEN WAS PREVIOUSLY THE CASE. THE CANADIAN CASES ARE RELATIVELY FEW IN NUMBER, SUTHERLAND SAID, AND SO CLEARLY HUMANITARIAN IN CHARACTER THAT THE POLES COULD NOT LOSE VERY MUCH BY APPROVING THEM ALL. NEITHER HE NOR LORD COULD EXPLAIN WHY THE POLISH POSITION HAS TOUGHENED ON CANADIAN CASES.

6. COMMENT: WE, LIKEWISE, CANNOT EXPLAIN THE DIFFICULTIES
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OUR CANADIAN COLLEAGUES HAVE ENCOUNTERED IN RESOLVING MORE OF THEIR CASES. OBVIOUSLY, WE WOULD BE MORE THAN SATISFIED IF 50 PERCENT OF OUR OUTSTANDING CASES WERE RESOLVED. CANADIAN DISSATISFACTION WITH THE NUMBERS THAT HAVE BEEN APPROVED STEMS FROM TWO REASONS. A) THE TOTAL CANADIAN CASE LOAD IS VERY SMALL. B) THE CANADIANS ARE SATISFIED THAT THIS MODEST NUMBER OF CASES ARE ALL SERIOUS AND THAT, COINCIDENTALLY, THEY PROBABLY MEET THE CRITERIA THAT THE POLES HAVE STATED TO A NUMBER OF WESTERN EMBASSIES IN THE RECENT PAST, IE, THE CASES MUST BE GENUINE "FAMILY REUNIFICATION" AND "HUMANITARIAN" IN CHARACTER RATHER THAN "PURE" OR "ECONOMIC" CASES - WHICH THEY CONSIDER TO FALL OUTSIDE THE HELSINKI COMMITMENTS. END COMMENT..

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